

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 26001-26100**

*Adulteration*, Section 402(a) (2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(a) (5), the article was in whole or in part the product of a diseased animal; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e) (2), the article was in package form and it failed to bear a label containing an accurate statement of the quality of contents in terms of weight; Section 403(g) (1), the article purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations, and it failed to conform to such definition and standard; Section 403(i) (2), the article was not subject to the provisions of Section 403(g), and it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

**BEVERAGES AND BEVERAGE MATERIAL**

**26001. Carbonated beverages.** (F.D.C. No. 43335. S. Nos. 63-861/6 P, 63-871/7 P.)

**QUANTITY:** 90 cases, 12 1-qt. btls. each, and 90 cases, 24 6-oz. btls. each, at Seekonk, Mass.

**SHIPPED:** 5-5-59, from Providence, R.I., by Elgin Sales Co., Inc.

**LIBELED:** 8-5-59, Dist. Mass.

**CHARGE:** 402(a) (3)—contained fungi and insects; and 402(a) (4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 9-21-59. Default—destruction.

**26002. Soluble coffee.** (F.D.C. No. 43434. S. No. 53-545 P.)

**QUANTITY:** 45 cases, 24 1½-oz. jars each, at Los Angeles, Calif.

**SHIPPED:** 4-18-59 and 6-19-59, from Flushing, N.Y., by Spice Club Foods, Inc.

**LABEL IN PART:** (Jar) "Instant Mocha Coffee \* \* \* Reese of California, Inc. \* \* \* Los Angeles, Calif."

**LIBELED:** 9-1-59, S. Dist. Calif.

**CHARGE:** 402(b) (2)—when shipped, dextrose had been substituted in part for coffee; 403(a)—the name of the article, "Instant Mocha Coffee," was false and misleading as applied to the article which was a mixture of dextrose and coffee; and 403(i) (2)—the label failed to bear the common or usual name of each ingredient since dextrose was not declared.